

Application relating to the registration of an enduring power of attorney (EPA)

For office use only
Date received
Case no.
Date issued

Name of the donor of the EPA (this is the person who made the EPA)

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Please read first

- You need to complete and file this application form if you are the donor, an intended attorney or a relative of the donor entitled by Schedule 4 of the Mental Capacity Act 2005 (the Act) to be notified of the application to register the EPA and:
 - you wish to object to the registration of the EPA; or
 - you wish to seek the registration of the EPA where you have been notified that the registration has been suspended.
- If you are entitled to be notified then either you will have received an EP1PG notice of intention to apply for registration, or the Public Guardian will have notified you that the registration has been suspended.
- You may have to pay a fee when you make an application. Refer to the leaflet COP44 Court of Protection – Fees for details.
- Schedule 4 of the Act provides for the court to dispense with the requirement to give notice. If you are one of the people entitled by the Act to be notified then you can object to the court using this form even if you have not received an EP1PG notice but you find out about the application through other means.
- If you wish to apply to object to the registration of the EPA then you should do so as soon as reasonably possible after receiving the EP1PG notice. You should notify the Public Guardian of your application. If you do not make an application, the Public Guardian will ask for the court's directions on registration. See note 1 at the end of this form for information on notifying the Public Guardian.
- You may need to pay for any costs you incur during the proceedings. If the court considers that you have acted unreasonably you can be ordered to pay the costs incurred by other parties.
- If you are not one of the people entitled by the Act to be notified of the application to register the EPA but you wish to object you can still do so but you need to file a COP1 application form and pay the specified fee. You should notify the Public Guardian of your application. See note 1 in the separate guidance for information on notifying the Public Guardian.
- Please continue on a separate sheet of paper if you need more space to answer a question. Write your name, the name and date of birth of the donor, and the number of the question you are answering on each separate sheet.
- For assistance in completing the form please see guidance notes and website: www.gov.uk/court-of-protection
- Court of Protection staff cannot give legal advice. If you need legal advice please contact a solicitor.

Section 1 - Your details (the applicant)

1.1 Your details ☐ Mr. ☐ Mrs. ☐ Miss ☐ Ms. ☐ Other _____

First name

Middle name(s)

Last name

1.2 Address
(including
postcode)

Telephone no.

Daytime	<input type="text"/>
Evening	<input type="text"/>
Mobile	<input type="text"/>

E-mail address

1.3 Is a solicitor representing you?

☐ Yes

☐ No

If Yes, please give the solicitor's details.

Name

Address
(including
postcode)

Telephone no.

<input type="text"/>	Fax no.	<input type="text"/>
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DX no.

E-mail address

1.4 Which address should official documentation be sent to?

☐ Your address

☐ Solicitor's address

☐ Other address (please provide details)

- 1.5 Your description
- ☐ Donor (person making the EPA)
- ☐ Attorney
- ☐ Other person entitled to be notified of the application to register the EPA

Section 2 - Details of the EPA

- 2.1 Full name of the donor (if you are not the donor)

☐ Mr. ☐ Mrs. ☐ Miss ☐ Ms. ☐ Other _____

First name

Middle name(s)

Last name

- 2.2 Donor's address and telephone number (if you are not the donor)

Address
(including
postcode)

Telephone no.

Daytime	
Evening	
Mobile	

E-mail address

- 2.3 Donor's date of birth

D	D	M	M	Y	Y	Y	Y
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2.4 Full name of intended attorney(s)

☐ Mr. ☐ Mrs. ☐ Ms. ☐ Miss ☐ Other _____

First name

Last name

☐ Mr. ☐ Mrs. ☐ Ms. ☐ Miss ☐ Other _____

First name

Last name

☐ Mr. ☐ Mrs. ☐ Ms. ☐ Miss ☐ Other _____

First name

Last name

2.5 Date donor signed the EPA

D	D	M	M	Y	Y	Y	Y
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2.6 Date you were given notice of the application to register the EPA

D	D	M	M	Y	Y	Y	Y
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Section 3 - Your application

3.1 Please state the directions you are seeking.

- 3.2 If you object to the registration of the EPA you can only do so on grounds which are prescribed in the Mental Capacity Act 2005.

Please indicate your grounds for objecting to the proposed registration:

- ☐ The power purported to be created by the instrument* is not valid as an enduring power of attorney
- ☐ The power created by the instrument no longer subsists
- ☐ The application is premature because the donor is not yet becoming mentally incapable
- ☐ Fraud or undue pressure was used to induce the donor to make the power
- ☐ The attorney is unsuitable to be the donor's attorney (having regard to all the circumstances and in particular the attorney's relationship to or connection with the donor).

**The instrument means the EPA made by the donor.*

Please tick to confirm

- 3.3 I have notified the Public Guardian of my intention to apply to the court in relation to the registration of the EPA. **(See note 1)**

☐ I confirm I have notified the Public Guardian

- 3.4 If you seek registration please state your reasons for doing so.

- 3.5 Any evidence in support of your application must be filed with this application form. If you are attaching any written evidence please use the COP24 witness statement form.

☐ Evidence attached

Section 4 - Attending court hearings

- 4.1 If the court requires you to attend a hearing do you need any special assistance or facilities? **(See note 2)**

☐ Yes ☐ No

If Yes, please say what your requirements are. If necessary, court staff may contact you about your requirements

Section 5 – Statement of truth

The statement of truth is to be signed by you, your solicitor or your litigation friend.

*(I believe) (The applicant believes) that the facts stated in this application form are true.

Signed

*Applicant('s solicitor)('s litigation friend)

Name

Date

**Name
of firm**

**Position or
office held**

* Please delete the option in brackets that do not apply.

Now read note 3 about what you need to do next.

Guidance notes

Note 1

Notifying the Public Guardian

If you have not already done so, you should notify the Public Guardian of your objection within five weeks of receiving the EP1PG notice. Upon notification the Office of the Public Guardian will suspend the registration until the court provides further directions. If the Public Guardian is not notified there is a risk that the EPA will be registered.

You should also notify the Public Guardian of your application to the court.

You can notify the Public Guardian by writing to:

PO BOX 15118
Birmingham B16 6GX
or
DX744240
Birmingham 79

Note 2

Attending court hearings

If you need special assistance or special facilities for a disability or impairment, please set out your requirements in full. It is important that you make the court aware of your needs to avoid causing any delays.

The court staff will need to know, for example, whether you want documents to be supplied in an alternative format, such as Braille or large print.

They will also need to know about any specific requirements should there be a hearing, such as wheelchair access, a hearing loop or a sign language interpreter.

Note 3

What you need to do next

The court requires two copies (i.e. the original plus one copy) of the each form and document you file.

Please return the original completed form and copies to the Court of Protection, along with any fee. For details on where to send your application check the website: www.gov.uk/court-of-protection

Note 4

What happens next?

The court will notify you when your application form has been issued and the court will return a sealed copy of the application form. You will need to serve a copy on the donor and each attorney of the EPA.